



DECISION MEMO

Schiweck Access SUP



USDA Forest Service, Northern Region Nez Perce – Clearwater National Forests Red River Ranger District Idaho County, Idaho

I. Decision

I have decided to authorize the issuance of a Special Use Permit to Mr. Schiweck for the construction and use of an access road (driveway) across National Forest System lands on the Red River Ranger District in Section 34, Township 26 North, Range 8 East (Boise Meridian).

Background

Paul Schiweck owns a parcel of property located approximately one mile south of Dixie, Idaho off of Forest Service Road 222D, in the Crooked Creek Placer Patented Mining Claim Survey No. 1416. He currently does not have motorized access to his property. Mr. Schiweck has requested a driveway from his private property connecting to Forest Service Road 222D. The driveway would be used year-round as the main access to this property. The Forest Service would issue a 20-year Special Use Permit to allow Mr. Schiweck to construct and use an access road (driveway) across NFS lands.

Proposed Action

Mr. Schiweck will construct and maintain an approximately 500 foot long by 20 foot wide driveway. Construction includes clearing the driveway footprint of woody material and blading the road bed using a medium-sized dozer and a small excavator. The driveway will then be surfaced with gravel brought in by a dump truck. Woody material will either be removed or felled and left on site, depending on the tree. Maintenance activities include periodic blading, brushing, spot gravelling, etc.

Forest Service Road 222D is an Idaho county maintained road and an approach permit through the county would be required. The approach permit would allow Mr. Schiweck to connect to a county-maintained road (FSR 222D). Obtaining the approach permit will be required prior to beginning any road work.

Design Criteria and Mitigation Measures

The project includes the design criteria identified below. These are not all-inclusive, as the Forest Plan standards are incorporated by reference (USDA Forest Service 1987, as amended).

- The intent is to keep the grade of the driveway less than 8%.
- Secure all required state and county road permits and rights-of-way prior to implementation.
- Avoid or protect known historic properties or sites.
- Halt ground-disturbing activities if cultural resources are discovered until an Archaeologist can properly evaluate and document the resources in compliance with 36 CFR 800.

Design Criteria and Mitigation Measures

- Certify that rock used for surfacing is free of noxious weed seed.
- Remove all mud, soil, and plant parts from off road equipment before moving into project area to limit the spread of noxious weeds. Conduct cleaning off National Forest lands.
- Secure all required permits prior to implementation (e.g. stream alteration, 404, etc.).
- Construct roads where practicable, with outslope and rolling grades instead of ditches and culverts
- Design road ditches and cross drains to limit flow to ditch capacity and prevent ditch erosion and failure
- Restrict activities when soils are wet to prevent resource damage (indicators include excessive rutting, soil displacement, and erosion).
- Install cross drains to disperse runoff into filter strips and minimize connected disturbed areas.
- Make cuts, fills, and road surfaces strongly resistant to erosion between each stream crossing and at least the nearest cross drain.
- Revegetate using certified local native plants as practicable; avoid persistent or invasive exotic plants.

Project Implementation: Construction will start in Summer 2017, and should take approximately one week to complete, depending on weather conditions.

II. Rationale for Decision and Reasons for Categorically Excluding the Decision

A. Category of Exclusion and Rationale for Using the Category

Based on information in this document and the project record, I have determined this project is not significant in either context or intensity (40 CFR 1508.27), that no extraordinary circumstances affecting resource conditions exist (36 CFR 220.6), that this project may be categorically excluded from documentation in an EA or EIS, and that it meets all the criteria outlined in 36 CFR 220.6(e)(3): *Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land.*

The rationale for my decision is based on: (1) the proposed action fully meeting the criteria for Categorical Exclusions, (2) the proposed action meeting the purpose and need, (3) the findings related to extraordinary circumstances, discussed below, (4) the project's consistency with laws and regulations, (5) the on-the-ground review and discussion with District resource specialists, and (6) my review of the Biological Assessments (BA), Biological Evaluations (BE), and specialists' reports.

Finding of the Absence of Adverse Effects to Extraordinary Circumstances

1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat or Forest Service sensitive species.

The Forest Interdisciplinary (ID) Team Botanist determined the project would have "no effect" to federally listed plant species and/or their habitats. Payson's milkvetch, an R1 sensitive species, has potentially suitable habitat at the site of the proposed access road. If present some plants could be mechanically harmed; however, this species is well documented to do best in transitional habitats that are maintained through disturbance. Thus the project would have both detrimental

and beneficial effects to the species should it be present. Given the extensive habitat in the area and large populations in other parts of the district there are no concerns for viability to this species.

The ID Team Wildlife Biologist determined the project would be “not likely to adversely affect” Canada lynx. The project lies within LAU 2071001 and falls within modelled lynx habitat; however, on-site habitat conditions do not represent suitable lynx or snowshoe hare habitat. The Nez Perce National Forest is considered “Unoccupied” lynx habitat, with the possibility of a lynx being present in the project area during implementation highly unlikely. If a lynx was present, project activities (noise, equipment use, human presence, etc.) could cause the individual to temporarily avoid the area. The overall effects, however, would be minor and short term.

The Wildlife Biologist determined the project would result in ‘no jeopardy’ to North American wolverine since there is no suitable wolverine habitat within the project area.

A “may adversely impact individuals or habitat” determination was made for pygmy nuthatch, white-headed woodpecker, fringed, long-eared and long-legged myotis, gray wolf, and Townsend’s big-eared bat. Suitable habitat for these species is present in and adjacent to the proposed project area. The project proposes to remove trees which may serve as foraging, nesting, and/or roosting sites for the species. Disturbance from project activities (noise, equipment use, human presence, etc.) may temporarily displace local individuals. Any effects from tree removal and disturbance would be minimal given the availability of suitable foraging, nesting, roosting and dispersal habitat adjacent to the project area. In addition, disturbance effects would be short term, approximately one week.

The Interdisciplinary Team Fish Biologist determined the proposed action would have “no effect” to federally threatened or endangered species and “no impact” to R1 Sensitive species or their habitat because the species do not occur in the project area.

Based on the above assessment, no effects exist that will cause an incremental cumulative effect and no extraordinary circumstances were identified for these resources. For the complete analyses, see the Fishery, Wildlife and Botany Biological Assessments and Evaluations and specialists’ reports in the project record.

2. Floodplains, wetlands or municipal watersheds.

No significant, adverse effects to floodplains, wetlands, or municipal watersheds are proposed or expected for this project. In addition to the project’s Design Criteria and use of BMPs regarding water quality, the permit should include a hazardous spill prevention and remediation plan. The proposed project is consistent with all applicable State and Federal water quality laws because project design criteria and best management practices (BMPs) have been included to protect water resources. Based on this analysis, no extraordinary circumstances were identified regarding the effects to water quality of streams within the area; downstream waters; or resources in floodplains, wetlands, and municipal watersheds.

3. Congressionally designated areas, such as wilderness, wilderness study areas or national recreation areas.

The project area is not located within any Congressionally designated areas.

4. Inventoried Roadless areas or potential wilderness areas.

The project is not located within any Nez Perce Forest Plan Roadless Areas, Idaho Roadless Areas (36 CFR 294 (c)) or potential wilderness areas.

5. Research Natural Areas.

The project area does not include land designated as a Research Natural Area.

6. American Indians and Alaska native religious or cultural sites.

An appropriate inventory has been conducted for the above project and no cultural properties are located within the area of potential effects. As a result, the Forest Cultural Resource Specialist has made a *No Historic Properties Affected* determination. Therefore, no extraordinary circumstances were identified to native religious or cultural sites.

7. Archaeological sites, or historical properties or areas.

The Idaho State Historic Preservation Officer, or the Forest Archaeologist via the use of the North Idaho Programmatic Agreement, has determined that no archaeological or historic property will be adversely affected by this project. Therefore, no extraordinary circumstances were identified to these resources.

III. Interested and Affected Agencies, Organizations, and Persons Contacted

The proposed action – issuing a special use permit for a 500-foot driveway – is considered limited in context and intensity, and therefore scoping was conducted internally on the Nez Perce-Clearwater National Forests. The Small NEPA Interdisciplinary Team was scoped on June 15, 2017 with no significant effects or extraordinary circumstances identified.

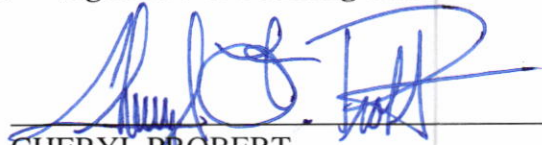
IV. Findings Required by Other Laws

Based on my review of the actions associated with this project, I find that the Schiweck Access SUP Project is consistent with applicable Federal, state and local laws and regulations, including the standards and guidelines contained in the 1987 Nez Perce National Forest Plan, as amended, as required by the National Forest Management Act of 1976.

V. Contact Person

Questions regarding this decision should be sent to Jeff Chynoweth, c/o Nez Perce – Clearwater National Forest Supervisor's Office, 903 Third Street, Kamiah, Idaho 83536; by telephone to (208) 935-4260; or by FAX to (208) 983-4275 during business hours (M-F, excluding Federal Holidays, 7:30 a.m. to 4:30 p.m. PST).

VI. Signature of Deciding Officer



CHERYL PROBERT
Forest Supervisor
Nez Perce – Clearwater National Forest

Date

6-24-17

Enclosures (1): Map of Project Site

cc: Adam McClory

Map of Schiweck Access SUP Project

